



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/811,774

03/29/2004

Philip Ted Kortum

1033-LB1043

9506

60533

7590

12/04/2008

TOLER LAW GROUP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER

PATEL, DHAIRYA A

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

12/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,774	Applicant(s) KORTUM ET AL.	
	Examiner Dhairya A. Patel	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed on 9/22/2008. Claims 1-21 are subject to examination.
2. This amendment has been fully considered and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-22 rejected under 35 U.S.C. 102(b) as being anticipated by Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits).

As per claim 1, Pits teaches a method of indicating connectivity comprising:

-establishing a communication link (Fig. 1 element 104) between a modem of a user (Fig. 1 element 102) and a network aggregation point (i.e. DSL provider)(Fig. 5 element 508)(Paragraph 39);

NOTE: The reference teaches each of the computers connected to the Ethernet hub on the access device (between the modem). The access device is connected to a single DSL line through which DSL services are provided by the DSL service provider (a network aggregation point).

-authorizing access by the modem to an information service (Paragraph 74,75)(Paragraphs 83,84);

NOTE: The reference teaches authorizing access by the access device to the Westell website for Internet Services.

-visually indicating an existence of the communication link at a first location of the modem (Fig. 4 element 402)(Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transreceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transreceiver unit).

-visually indicating an availability of the information service at a second location of the modem (Fig. 4 element 404)(Paragraphs 34, 37)(Table 1,2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem).

As per claim 2, Pits teaches the method of claim 1, further comprising: utilizing a first light emitting diode (Fig. 4 element 402) to indicate the existence of the

Art Unit: 2451

communication link (Paragraphs 34,37); and utilizing a second light emitting diode (Fig. 4 element 404) to indicate the availability of the information service (Paragraphs 34, 37)(Table 1,2).

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status (availability of the information source).

As per claim 3, Pits teaches the method of claim 1, executing a Point to Point Protocol over Ethernet client in connection with establishing the communication link (Paragraph 43).

As per claim 5, Pits teaches the method of claim 1, further comprising communicating information from the information service to the modem via the network aggregation point (Paragraph 37).

As per claim 6, Pits teaches the method of claim 1, wherein the modem comprises a user interface having visual display capabilities (Fig. 2 elements 204,206,208,210,212)(Fig. 4 elements 402,404).

As per claim 7, Pits teaches the method of claim 6, wherein the user interface comprises the first location (Fig. 4 element 402) and the second location (Fig. 4 element 404)(Paragraph 37).

As per claim 8, Pits teaches the method of claim 1, further comprising distributing the modem to the user (Paragraphs 38,39).

As per claim 9, Pits teaches the method of claim 1, wherein the modem comprises an xDSL modem (Paragraph 14,75).

As per claim 10, Pits teaches the method of claim 1, wherein the modem comprises a cable modem (Paragraph 75).`

As per claim 11, Pits teaches the method of claim 1, wherein the network aggregation point comprises a cable modem termination system (Paragraph 41, 44).

As per claim 12, Pits teaches the method of claim 1, wherein the network aggregation point comprises a digital subscriber line access multiplexer (Paragraphs 39,40).

As per claim 13, Pits teaches the method of claim 1, further comprising disabling an indication of the existence of the communication link in response to recognizing a loss of the communication link (Paragraphs 34, 37)(Tables 1,2).

As per claim 14, Pits teaches a connectivity indication system, comprising:

-a display element coupled to a housing component (Fig. 2 element 204,206,208), the display element comprising a visual display portion (Fig. 2 element 204,206,208,210,212);

NOTE: The reference teaches visually displaying LED which a housing component (Fig. 204,206,208,210)

-the housing component at least partially defining an enclosure (Fig. 2 element 204,206,210,208,212)(Fig. 3,4);

NOTE: The displaying LED are partially defining enclosure since this is an open area of viewing the LED's.

-a broadband modem unit (Fig. 2 element 200) secured within the enclosure (Fig. 2 element 204,206,208,210,212);

-a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and a network aggregation point (Fig. 5 element 508)(i.e. DSL provider) (Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (output link signal) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transreceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transreceiver unit).

-a data detection mechanism operable to output an access signal in response to a recognition that the broadband modem unit enjoys access to a remote information service (Paragraphs 34,37);

NOTE: The reference teaches when there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a first indicator (Fig. 4 element 402) operable to be displayed within the display element in response to the link signal (Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (a first indicator) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a second indicator (Fig. 4 element 404) operable to be displayed within the display element in response to the access signal (Paragraphs 34, 37)(Table 1,2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal i.e. since there is activities with the network (modem).

As per claim 15, Pits teaches the system of claim 14, wherein the display element comprises a plurality of light emitting diodes (Fig. 2 element 204,206,208,210,212) within the visual display portion, further wherein the first indicator comprises a lighted one of the plurality of light emitting diodes and the second indicator comprises a different lighted one of the plurality of light emitting diodes (Paragraph 34,37).

As per claim 16, Pits teaches the system of claim 14, wherein the broadband modem unit comprises a cable modem (Paragraph 75).

As per claim 17, Pits teaches the system of claim 14, wherein the broadband modem unit comprises an xDSL modem (Paragraphs 14, 75).

As per claim 18, Pits teaches the system of claim 14, further comprising a PPPoE client executing on a processor secured within the enclosure (Paragraph 43).

As per claim 19, Pits teaches a method of generating connectivity awareness comprising:

-providing a subscriber with a broadband modem comprising at least a first indicator (Fig. 4 element 402) operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node (Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transreceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transreceiver unit).

-a second indicator (Fig. 4 element 404) operable to display a data status indicating an availability of access to a remote information service node (Paragraphs 34, 37)(Table 1,2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem).

-providing a broadband data service to the subscriber (Paragraph 42).

NOTE: The reference teaches DSL service provider providing DSL services to the user.

As per claim 20, Pits teaches the method of claim 19, further comprising: receiving a trouble shooting request from the subscriber, the trouble shooting request relating to the broadband service (Paragraph 7); and prompting the user to observe the first and second indicator (Fig. 4)(Paragraph 37)(Table 1,2).

As per claim 21, Pits teaches the method of claim 20, further comprising: receiving a communication indicating that the first indicator displays a positive connectivity status and the second indicator displays a negative data status (Paragraph 37); and determining an appropriate suggestion responsive to the trouble shooting request (Paragraph 37) (Table 1,2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pits in view of Hartmaier et al. U.S. Patent # 6,553,022 (hereinafter Hartmaier)

As per claim 4, Pits teaches the method of claim 1, but is silent in teaching communicating a user credential to an authentication server in connection with authorizing access to the information service. Hartmaier teaches communicating a user credential to an authentication server in connection with authorizing access to the information service (column 5 lines 21-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention as was made to implement Hartmaier's teaching in Pits's teaching to come up with communicating user credentials to a authentication server in connection with authorizing access. The motivation for doing so would be check whether the subscriber is an authorized subscriber to the ISP, therefore granting access if the credentials match, or denying access if credentials are invalid (column 5 lines 21-36).

Response to Arguments

Applicant's arguments filed 9/22/2008 have been fully considered but they are not persuasive.

As per remarks, Applicant stated the following:

A). Applicant states Pitsoulakis does not teach an existence of a communication link between the access device and a network aggregation point and visually indicating an existence of the communication link at a first location on the modem.

As per remark A, Examiner respectfully disagrees with the applicant because in Paragraph 34,37,39, Pitsoulakis teaches each of the computers connected to the

Art Unit: 2451

Ethernet hub on the access device (between the modem). The access device is connected to a single DSL line through which DSL services are provided by the DSL service provider (a network aggregation point). Furthermore, in Paragraph 34, Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit). When DSL is connected and is synchronized with the ATUC the DSL LED shows green light, and when there is no DSL connection, DSL LED shows no light. This is visually indicating existence of communication link which the DSL connection to the access device. Furthermore, in Fig. 1 and Paragraph 31, Pitsoulakis also teaches that access device is connected with the transmission line which is the DSL line to provide internet connection. In Fig. 2 element 206, is a DSL LED which is for the communication link between the modem (access device) and the DSL connection coming from the DSL provider (network aggregation point). Examiner would also like to point out that the DSL connection coming to the access device is coming from a network aggregation point which is the node as it is known in art. Therefore Pitsoulakis teaches visually indicating an existence of the communication link at the modem.

B). Applicant states Pitsoulakis does not teach “visually indicating an availability of the information service at a second location of the modem”.

As per remark B, Examiner respectfully disagrees with the applicant because in Fig. 4 element 404, Paragraphs 34, 37, Table 1,2, Pitsoulakis teaches the Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem). Examiner would like to point out that that activity LED means, which is flashing yellow light in a frequency relative to the intensity of the activities that user are accessing on internet thereby visiting web pages etc. (accessing remote information service). Applicant argues that given the information service may or may be available regardless of the Ethernet activity level indicated by the LED. Examiner would like to point out that information service access is with respect to the modem, therefore since there is green light at an Ethernet hub, the associated Ethernet link is active. This means the information service is being access by the modem. When there is no link in the Ethernet link LED (Fig. 4 element 402) this means there is no Ethernet connection which means that information service is not available by the modem. Examiner would like to point out that claim language does not specifically specify as what information service is. Therefore Pitsoulakis does teach the claimed limitations.

C). Applicant states Pitsoulakis does not teach “a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and network aggregation point”

As per remark C, Examiner respectfully disagrees with the applicant because in Fig. 5 element 508 i.e. DSL provider, Paragraphs 34,37, 39 Pitsoulakis teaches a link detection mechanism (Fig. 2 element 206) communicatively coupled to the broadband modem unit (access device)(Fig. 2 element 200) and operable to output a link signal (i.e. green LED, Yellow light, no light) in response to a determination that a communication link exists between the broadband modem unit (access device) and the DSL connection (network aggregation point). The access device is connected to a single DSL line through which DSL connection is provided by the DSL service provider (a network aggregation point). Furthermore, in Paragraph 34, Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transreceiver unit (ATU). This means the DSL LED (Fig. 2 element) indicates a communication link between the modem of the user which the access device and the network aggregation point (DSL connection with the DSL transreceiver unit). When DSL is connected and is synchronized with the ATUC the DSL LED shows green light, and when there is no DSL connection, DSL LED shows no light. This is output link signal indicating existence of communication link which the DSL connection to the access device. Furthermore, in Fig. 1 and Paragraph 31, Pitsoulakis also teaches that access device is connected with the transmission line which is the DSL line to provide internet connection. In Fig. 2 element 206, is a DSL LED which is for the communication link between the broadband modem (access device) and the DSL connection coming from the DSL provider (network aggregation point). Therefore Pitsoulakis teaches link detection mechanism communicatively

Art Unit: 2451

coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and network aggregation point.

D). Applicant states Pitsoulakis does not teach "a data detection mechanism operable to output an access signal in response to a recognition that the broadband modem unit enjoys access to a remote information service".

As per remark D, Examiner respectfully disagrees with the applicant because Paragraphs 34,37, Table 1 and 2, Pitsoulakis teaches a data detection mechanism (Fig. 4 element 404) operable to output an access signal (i.e. green light or flashing yellow) in response to recognition that broadband modem accessing the remote information service. The flashing yellow (Fig. 4 element 404) indicates activity status which means that there is Ethernet connection and there is Ethernet activity thereby remote information service is being accessed. The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem). Examiner would like to point out that that activity LED means, which is flashing yellow light in a frequency relative to the intensity of the activities that user are accessing on internet thereby visiting web pages etc. (accessing remote information service). Applicant argues that given the information service may or may be available regardless of the Ethernet activity level indicated by the LED. Examiner would like to point out that information service access is with respect to the modem, therefore since there is green

Art Unit: 2451

light at an Ethernet hub, the associated Ethernet link is active. This means the information service is being access by the modem. When there is no link in the Ethernet link LED (Fig. 4 element 402) this means there is no Ethernet connection which means that information service is not available by the modem. Examiner would like to point out that claim language does not specifically specify as what remote information service is. Therefore, Pitsoulakis does teach the claimed limitation.

E). Applicant states Pitsoulakis does not teach “a first indicator operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node”.

As per remark E, Examiner respectfully disagrees with the applicant because in Paragraph 34,37,39, Pitsoulakis teaches first indicator operable to display a connectivity status (Fig. 2 element 206) between the modem (access node) and DSL connection through a DSL provider by way of ADSL transreceiver unit (network aggregation point). The access device is connected to a single DSL line through which DSL connection are provided by the DSL service provider (a network aggregation point). Furthermore, in Paragraph 34, Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transreceiver unit (ATU). This means there is a connection between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transreceiver unit). When DSL is connected and is synchronized with the ATUC the DSL LED shows green light, and when there is no DSL connection, DSL LED shows no light. This is visually indicating existence of

Art Unit: 2451

communication link which the DSL connection to the access device. Furthermore, in Fig. 1 and Paragraph 31, Pitsoulakis also teaches that access device is connected with the transmission line which is the DSL line to provide internet connection. In Fig. 2 element 206, is a DSL LED which is for the communication link between the modem (access device) and the DSL connection coming from the DSL provider (network aggregation point). Therefore Pitsoulakis teaches a first indicator operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node.

F). Applicant states Pitsoulakis does not teach "a second indicator operable to display a data status indicating an availability of access to a remote information service node".

As per remark F, Examiner respectfully disagrees with the applicant because in Paragraph 34,37,39, Pitsoulakis teaches a second indicator (Fig. 4 element 404) operable to display a data status indicating an availability of access to a remote information service node (Paragraphs 34, 37)(Table 1,2). The flashing yellow (Fig. 4 element 404) indicates activity status which means that there is Ethernet connection and there is Ethernet activity thereby remote information service is being accessed. Examiner would like to point out that that activity LED means, which is flashing yellow light in a frequency relative to the intensity of the activities that user are accessing on internet thereby visiting web pages etc. (accessing remote information service). The reference also teaches when there is an Ethernet connection, the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities

Art Unit: 2451

over the Ethernet connection. This shows the availability of the information service at the Ethernet hub (modem). Applicant argues that given the information service may or may be available regardless of the Ethernet activity level indicated by the LED. Examiner would like to point out that information service access is with respect to the modem, therefore since there is green light at an Ethernet hub, the associated Ethernet link is active. This means the information service is being access by the modem. When there is no link in the Ethernet link LED (Fig. 4 element 402) this means there is no Ethernet connection which means that information service is not available by the modem. Examiner would like to point out that claim language does not specifically specify as what remote information service node is. Therefore, Pitsoulakis does teach the claimed limitation.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus for Telephone Line Testing" by Starr et al. U.S. Patent # 7,003,078.

B). "Method and Apparatus for decreasing cable installation time and cable installation faults" by Cloonan et al. U.S. Patent # 7,047,553 (hereinafter Cloonan)

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2451

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451